

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PETER GAKUBA,

Plaintiff,

v.

JOHN DOE #1, et al.,

Defendants.

Case No. 22-cv-01103-SPM

MEMORANDUM AND ORDER

MCGLYNN, District Judge:

Plaintiff Peter Gakuba, a former inmate of the Illinois Department of Corrections (“IDOC”) who is now on parole, brought this action pursuant to 42 U.S.C. § 1983. This case was severed from *Gakuba v. Wright*, No. 22-cv-00668-NJR (S.D. Ill. 2022) (“original case”) pursuant to a Memorandum and Order entered in the original case severing all “claims regarding the 2019 destruction of his legal documents” against Defendants John Doe #1 and John Brookhart. (Doc. 1, p. 8). The claims did not survive screening under 28 U.S.C. § 1915(e)(2), and the Complaint was dismissed without prejudice. (Doc. 10). The Court granted Plaintiff an opportunity to replead his claims in an amended complaint. He was directed to file a First Amended Complaint on or before April 27, 2023. Plaintiff was advised that failure to do so would result in the dismissal of the entire case. At his request, Plaintiff was then given three extensions, and the deadline to amend was reset for August 7, 2023. (Doc. 17, 19, 21).

On July 28, 2023, the Seventh Circuit Court of Appeals issued a filing ban against Plaintiff. *See Gakuba v. Maher*, No. 22-3267 (7th Cir. July 28, 2023). The Seventh Circuit instructed courts in this Circuit to return unfiled any papers submitted by Plaintiff until he pays his outstanding appellate fees. This Court advised Plaintiff that if he wished to pursue this case and file an amended

complaint, he should make every effort to pay his outstanding fees as directed by the Seventh Circuit before the amended complaint deadline. (Doc. 22).

Plaintiff has missed the deadline to file an amended complaint. Three weeks have passed since it expired, and he has not requested an extension, filed an amended complaint, or attempted to file anything with this Court. The Court will not allow this matter to linger indefinitely. Accordingly, this action is **DISMISSED with prejudice** for failure to state a claim, as stated in the Merit Review Order. (Doc. 10). This action is also dismissed due to Plaintiff's failure to comply with an order of the Court and for failure to prosecute his claims. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

Plaintiff is **ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed. Therefore, the filing fee of \$402.00 remains due and payable. The Clerk's Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: August 29, 2023

s/Stephen P. McGlynn
STEPHEN P. MCGLYNN
United States District Judge